

COCHIN LEGISLATIVE COUNCIL PROCEEDINGS

OFFICIAL REPORT, LEGISLATIVE SESSION, 1120

Thursday, the *18th January 1945*
5th Makaram 1120

The Council met in the Council Hall, Ernakulam, at half past Eleven of the Clock with the Hon'ble the President (Sir George Boag, K.C.I.E., C.S.I.), in the Chair.

Messrs. K. Kunhirama Menon, M. Krishna Menon, V. K. Kutty, C. K. S. Moni and Popatlal Goverdhan Lalan were absent.

QUESTIONS AND ANSWERS

WITHDRAWAL OF CASES—FOOD ADULTERATION ACT

221. Mr. C. V. Iyyu (*Kunnamkulam*): Will Government be pleased to print and place on the Council Table the following records.—

(a) the written statement alleged to have been presented by the prosecution side (Municipal Sanitary Inspector) at the time of the withdrawal under Government orders of the recent food adulteration cases of Trichur published under the caption 'ഫുഡ് അഡൽട്ടറേഷൻ കേസ്' പിൻവലിച്ചു in the "Cochin Express" dated 10th February 1944;

(b) the written statement alleged to have been presented or filed but not read or allowed to be read by the Municipal Sanitary Inspector on behalf of the prosecution at the time of the withdrawal under Government orders the recent food adulteration cases prosecuted by the Municipal Health authority in the Trichur Sub-Magistrate's Court published under the caption 'ഫുഡ് അഡൽട്ടറേഷൻ കേസ്' പിൻവലിച്ചു. പ്രതികളെ വെറുതെവിട്ടയച്ചു. വാദിഭാഗത്തെ സ്റ്റേയിറംമെന്റ് കോടതിയിൽ വായിച്ചില്ല published in the "Cochin Express" dated 10th October 1944;

(c) the petition or petitions presented or alleged to have been submitted by the accused to the Government praying for order for the withdrawal of these cases on Edavam 6, 1119 as stated on page 2 of the Gomathi dated 11th October 1944;

(d) the orders of the Government withdrawing prosecution;

(e) the covering letter if any, and copy of the resolution passed by the Trichur Municipal Council communicated to the Government from the Trichur Municipal authority protesting or expressing regret about the withdrawal of the case?

Mr. T. K. Nayar (*Minister for Rural Development*):

(a) to (e) Copies of the papers are placed on the Council table.

Mr. C. V. Iyyu (*Kunnamkulam*): May I know, Sir, whether the fault in not having made adequate arrangements for the analysing of adulterated ghee is not of the Government?

Mr. T. K. Nayar (*Minister for Rural Development*): That is conceded.

Mr. C. V. Iyyu (*Kunnamkulam*): May I know whether this offence punishable in a court of law ought not have been left to the Court for disposal rather than Government interfere in it?

Mr. President: Order, order, That is asking for an expression of opinion, not for information.

Mr. C. V. Iyyu (*Kunnamkulam*): May I know whether the Government feels whether it was not their duty to have consulted the Municipal Council before the orders were passed?

Mr. T. K. Nayar (*Minister for Rural Development*): That question has been answered last time in detail. Government did not think it necessary to consult the Municipality.

Mr. K. M. Ibrahim (*Cranganur*): Was not the fault mentioned by the Hon'ble Member for Kunnamkulam existing in the Statute even before a Ministry came into Cochin?

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Mr. T. K. Nayar (*Minister for Rural Development*): There was the statute in existences. When this case was brought to the particular notice of the Government, the Government took action.

Rao Sahib K. Ayyappan (*Ezhuvas-Kanayannur*): Is the law amended to cure the defect?

Mr. M. Sivarama Menon (*Advocate-General*): There is no defect in the law. Under the Food Adulteration Act, a public analyst has to be appointed and rates of fees for analysis fixed. That has been done now. Therefore no amendment is needed. Whenever things have to be got analysed, the public analyst is there and people can take the things to him.

Rao Sahib K. Ayyappan (*Eznuvas-Kanayannur*): Has he been appointed?

Mr. T. K. Nayar (*Minister for Rural Development*): A Public Analyst has been appointed before and the rates for analysing are being considered. We are ascertaining the rates from Coimbatore and other places and we are taking action to fix the rates.

Mr. K. T. Achytha (*Ezhuvas-Talapalli*): Who is the Public Analyst?

Rao Sahib I. N. Menon (*Director of Public Instruction*): Mr. K. V. Krishna Warriar.

Mr. A. Eachara Menon (*Chittur-Rural*): When was he appointed?

Rao Sahib I. N. Menon (*Director of Public Instruction*): Some time ago. For the exact date, I want notice.

Mr. A. Eachara Menon (*Chittur-Rural*): Was he in service before?

Mr. M. Sivarama Menon (*Advocate-General*): He was in service. Though he is in name a Public Analyst, no rates of fees leviable from the public—who can claim his services, have been fixed and therefore he has not been functioning as a Public Analyst as intended by the Act.

Khan Sahib Ismail Haji Essa Sait (*Mattancheri*): Is he a paid officer?

Mr. T. K. Nayar (*Minister for Rural Development*): Yes.

Khan Sahib Ismail Haji Essa Sait (*Mattancheri*): What is his salary?

Mr. T. K. Nayar (*Minister for Rural Development*): I want notice.

Mr. C. V. Iyyu (*Kunnamkulam*): Have the Government made arrangements to have the food available in the market analysed and to have the results published, for the information of the public, so that they may be warned against bad articles.

Mr. M. Sivarama Menon (*Advocate-General*): When that question was referred to me, I pointed out to the Hon'ble Minister that the adoption of such a procedure may lead to great difficulties. When facilities are given, the public may get the articles analysed. It is the concern of the buyer to do so, and if he does not do so, he must take the risk. The responsibility should not be upon the Government to publish from time to time the results of the analysis, because there are so many things coming to the market and the articles manufactured to-day may not be adulterated, while those manufactured tomorrow may be adulterated. Therefore it will be impossible for the Government to do this. When the matter came to my notice, I explained the position to the Hon'ble Minister, and appropriate action has been taken.

Mr. C. V. Iyyu (*Kunnamkulam*): May I know, whether the Government are aware that from the 16th August 1944 the people in the State have been using these adulterated articles without knowing that they are adulterated.

Mr. T. K. Nayar (*Minister for Rural Development*): Even before that they were using. Even now the public may be using adulterated articles.

Mr. C. V. Iyyu (*Kunnamkulam*): But should not the Government interfere and order prosecutions against those who are doing this adulteration? Have not the Government found it possible to carry out their own orders? Now that the Government have found out the position that it is not good to allow such articles to be consumed, has not the Government the responsibility to take action in the matter?

Mr. President.—Order, order, the Hon'ble Member is not asking for information. Will the Hon'ble Member present the matter in the form of a question?

Mr. C. V. Iyyu (*Kunnamkulam*): Have the Government published the results?

Mr. T. K. Nayar (*Minister for Rural Development*): We have not.

Mr. C. V. Iyyu (*Kunnamkulam*): Is it not the conviction of the Government that they should do something in the matter?

Mr. President.—Order, order. The Hon'ble Member is simply repeating his previous question.

Mr. C. V. Iyyu (*Kunnamkulam*): May I know when the publication will be done next?

Mr. T. K. Nayar (*Minister for Rural Development*): Which publication?

Mr. C. V. Iyyu (Kunnamkulam): The result of the analysis?

Mr. T. K. Nayar (Minister for Rural Development): We are not going to publish the results, as explained by the Advocate-General.

Mr. C. V. Iyyu (Kunnamkulam): Then why this order?

Mr. T. K. Nayar (Minister for Rural Development): It was only an interim order. It was only an executive order, and not a notification. So no notification is necessary now.

Mr. C. V. Iyyu (Kunnamkulam): May I know whether the Municipality has not requested the Government that the fees paid by the Municipality for conducting the case may be met by the Government?

Mr. T. K. Nayar (Minister for Rural Development): Yes.

Mr. C. V. Iyyu (Kunnamkulam): What is the reply of the Government?

Mr. T. K. Nayar (Minister for Rural Development): Government refused the request.

മിസ്റ്റർ കെ. എസ്. പണിക്കർ: ചിറൂർ മുനിസിപ്പാലിറ്റിയിൽ ഈ ആക്ട് അനുസരിച്ച് മുമ്പുതന്നെ ആരെക്കൊണ്ടും പ്രോസിക്യൂട്ട് ചെയ്ത ശിക്ഷിച്ചിട്ടുണ്ടോ?

മിസ്റ്റർ ടി. കെ. നായർ: നോട്ടീസ്സ് വേണം.

മിസ്റ്റർ കെ. എസ്. പണിക്കർ: ഈ കേസ് പിൻവലിച്ചിട്ട് അതിന്റെ വക്കീൽപ്പിസ് കൊടുക്കണമെന്ന് തൃശ്ശിവപേരൂർ മുനിസിപ്പാലിറ്റി ഗവണ്മെന്റിനോടു ആവശ്യപ്പെട്ടിട്ടുണ്ടോ?

മിസ്റ്റർ ടി. കെ. നായർ: അറിവില്ല.

മിസ്റ്റർ കെ. എസ്. പണിക്കർ: ഗവണ്മെന്റ് ആവശ്യപ്പെട്ടു പിൻവലിച്ച കേസിൽ മുനിസിപ്പാലിറ്റി നഷ്ടപ്പെടണമെന്നാണോ പറയുന്നത്?

മിസ്റ്റർ ടി. കെ. നായർ: ഗവണ്മെന്റിന് നഷ്ടമുള്ള ഒരു കാര്യത്തിൽ ഗവണ്മെന്റിന്റെ അഭിപ്രായപ്രകാരം ആ സംഖ്യ മുനിസിപ്പാലിറ്റിയിൽനിന്നു കൊടുക്കുവാൻ വിരോധമുണ്ടായിരിക്കുകയില്ല.

222. Mr. C. V. Iyyu (Kunnamkulam): Will Government be pleased to state.—

(a) whether the Government has taken any steps direct or through the Ernakulam Municipality as stated by the Hon'ble Minister in the Press Conference held at the Trichur Guest House during the last week of October (26-2-20) against the manufacturers of the ghee who sold the adulterated ghee to the Trichur merchants which caused in prosecuting them by the Trichur Municipality as reported on pages 5 of the Cochin Times dated 23rd October 1944 in the following sentence ഈ നെയ്യിന്റെ നിർമ്മാതാക്കളുടെ പേരിൽ ഏറണാകുളം മുനിസിപ്പാലിറ്റി വഴിക്കു വേണ്ട നടപടികൾ നടത്തിപ്പിക്കുവാനും പരിശോധിക്കുന്നുണ്ടെന്നും സംഭാഷണമദ്ധ്യേ പറയുകയുണ്ടായി;

(b) the date on which the Government knew that the adulterated ghee has been sold by the Ernakulam ghee merchants referred to in the petition submitted to the Government by the accused merchants in the Trichur ghee adulteration cases praying for the withdrawal of the cases against them;

(c) the date on which the Government or the Municipality actually launched prosecution against the alleged Ernakulam ghee merchants referred to in the petition for withdrawal of the Trichur cases referred to above;

(d) the name of the Ernakulam ghee merchant who supplied ghee to the Trichur merchants who were prosecuted and whose prosecution was withdrawn?

Mr. T. K. Nayar (Minister for Rural Development):

(a) Yes.

(b) 22nd May 1944.

(c) The manufacturer has not so far been prosecuted.

(d) Mr. A. Alagirisami Naidu, Ghee Merchant, Ernakulam.

Mr. C. V. Iyyu (Kunnamkulam): May I know the reason why the Government has not yet taken any action against the manufacturer?

Mr. T. K. Nayar (Minister for Rural Development): The answer that the manufacturer has not so far been prosecuted does not mean that the Government have not taken any action. Certain particular brands of ghee were found adulterated at Trichur and when it was brought to the notice of the Government, the Department was asked to analyse those brands of ghee in the manufacturer's depot. Unfortunately, when the departmental officers went there, that particular brand of ghee was out of stock.

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Mr. C. V. Iyyu (Kunnamkulam): Probably that was removed.

Mr. T. K. Nayar (Minister for Rural Development): The Hon'ble Member seems to know things.

Mr. C. V. Iyyu (Kunnamkulam): May I know whether such brands are now sold?

Mr. M. Sivarama Menon (Advocate-General): Those brands may be sold now, but the contents of the tins may be different; sometimes adulterated and sometimes not. They are manufactured from day to day.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: ഈ അഴിമതിസാധി നായിപ്പതന്നെയാണോ നെ യുണ്ടാക്കുന്നത്?

മിസ്റ്റർ ടി. കെ. നായർ: എന്റെ അറിവിൽ പെട്ടിടത്തോളം "അഴിമതിസാധി നാ യിപ്പ, ഗി മെൻറ", എറണാകുളം" എന്ന മാത്രമേ നിശ്ചയമുള്ളൂ.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: ഇത്രേം കൊച്ചിക്കാരനാണോ?

മിസ്റ്റർ ടി. കെ. നായർ: അറിവില്ല.

മിസ്റ്റർ സി. വി. ഇയ്യ: "ഈ നെയ്യിന്റെ നിർമ്മാതാക്കളുടെ പേരിൽ എറണാകുളം മുനിസിപ്പാലിറ്റി വഴിക്ക് വേണ്ട നടപടികൾ നടത്തിയിട്ടുവെന്നും പരിശ്രമിക്കുന്നുണ്ടെ ന്നും സംഭാഷണമുഖ്യ പറയുകയുണ്ടായി."

May I know whether the Government took notice of Mr. Alagiriswami Naidu's ghee as soon as the petition of 22nd May 1944 was received by the Government?

Mr. T. K. Nayar (Minister for Rural Development): It has been answered.

Mr. C. V. Iyyu (Kunnamkulam): May I know whether the Government sent the officers under the department to find out whether the ghee manufactured here was good or not?

Mr. T. K. Nayar (Minister for Rural Development): I have answered that. When it was brought to the notice of the Government, the Government directed the department to get this ghee analysed.

Mr. C. V. Iyyu (Kunnamkulam): When was that done?

Mr. T. K. Nayar (Minister for Rural Development): I want notice, if the exact date is required.

Mr. C. V. Iyyu (Kunnamkulam): It was not done till 26th Kanni 1120.

Mr. President: The Hon'ble Member, should as I said, put his points in the form of questions.

Mr. C. V. Iyyu (Kunnamkulam): In sub-division (a) it is stated that the Minister began to take action only after 26th Kanni 1120.

Mr. T. K. Nayar (Minister for Rural Development): I do not think that statement necessarily means that.

Mr. C. V. Iyyu (Kunnamkulam): It means that.

Mr. T. K. Nayar (Minister for Rural Development): It does not mean that.

Mr. C. V. Iyyu (Kunnamkulam): I know sufficient Malayalam to understand that.

Mr. T. K. Nayar (Minister for Rural Development): I also know Malayalam.

Mr. C. V. Iyyu (Kunnamkulam): The statement is that the Minister.....

Mr. President: Order, order.

MALARIA—ACTION TAKEN TO PREVENT

223. **Mr. A. V. Moothedan (Chalakkudi):** Will Government be pleased to state.—

(a) whether they are aware that Malaria is very common in places adjoining the reserve forests in Pariyaram, Kodasseri, Elanjipara, Melur and Malayattur;

(b) if so, what action is taken, after the appointment of a Special Officer to deal with Malaria?

Mr. T. K. Nayar (Minister for Rural Development): (a) Yes.

(b) The Malariologist has conducted a survey in Nelliampathis and he is now engaged on a detailed Malaria survey in Chittur Taluk. After finishing the work in this badly affected area, he will be directed to survey other malarial tracts. Only after such detailed surveys are over a definite plan of action for each area can be chalked out. For the present Government have arranged for the distribution of quinine in the affected areas.

Mr. A. V. Moothedan (Chalakkudi): May I know how much time was taken for the survey of the Nelliampathis?

Mr. T. K. Nayar (Minister for Rural Development): It must be somewhere about two months.